

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

RUBEN RIVERA
#45919

PLAINTIFF

v.

No. 3:20-cv-288-DPM

KEITH BOWERS, Administrator,
Craighead County Detention Center

DEFENDANT

ORDER

Unopposed recommendation, *Doc. 4*, adopted as modified. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Read generously, Rivera's complaint alleges that the jail has eliminated yard call for several months in response to COVID-19. That is a plausible claim of a policy. But the complaint falls short for the other reasons specified by the Magistrate Judge. Rivera's complaint, *Doc. 2*, will therefore be dismissed without prejudice for failure to state a claim. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

8 December 2020